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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,702	05/24/2004	Tracey R. Thomas	03292.101970.3	3701

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FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/709,702	THOMAS, TRACEY R.	
	Examiner	Art Unit	
	NGA B. NGUYEN	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/24/04;6/1/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on May 24, 2004, which paper has been placed of record in the file.
2. Claims 1-14 are pending in this application.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on May 24 and June 1, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al (hereinafter Saylor), U.S. Patent Application Publication No. 2004/0111370.

Regarding to claim 1, Saylor discloses a method of encouraging user savings, said method including:

receiving user financial information, wherein said financial information includes at

least one of user income information related to user income, user income source information related to user income sources, user debt information related to user debts to payees and user goal information related to user goals (*page 5, paragraph [0061], money management account 110 receives the direct deposit of customer's paycheck and is used to pay bills*);

establishing a payment hierarchy, wherein said payment hierarchy includes at least a portion of said user income allocated to said user savings account and a portion of said user income allocated to said user debts; acquiring user income (*figure 3 and page 6, customer schedules payments using money management account 110*); and,

transferring at least a portion of said user income, based at least in part upon said payment hierarchy, to at least one of user savings account and payee (*page 5, paragraph [0064], the payments are automatically calculated, the payees are paid automatically, the remaining funds are automatically transferred to the discretionary fund account 110, which may be a traditional checking account*).

Regarding to claim 2, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to user savings account at *least one of prior to, during and after transferring user income to certain user debts (page 5, paragraph [0064], the payments are automatically calculated, the payees are paid automatically, the remaining funds are automatically transferred to the discretionary fund account 112, which may be a traditional checking account)*.

Regarding to claim 3, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to user savings account at

least one of at a predetermined time period, before payment of certain bills, after payment of certain bills, and random time period (page 6, paragraph [0066], transferring the money from the money management account 110 to the discretionary fund account every week).

Regarding to claim 4, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to user savings account based upon user purchase data (*page 5, paragraph [0064], the payments are automatically calculated, the payees are paid automatically, the remaining funds are automatically transferred to the discretionary fund account 110, which may be a traditional checking account*).

Regarding to claim 5, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to user savings account based upon user purchase data, wherein said purchase data includes at least one of dollar amount, percentage of purchase amount, and number of transactions (*figure 3 and page 6, paragraphs [0066]-[0068]*).

Regarding to claim 6, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to user savings account at least one of after sufficient funds are available in user account, on a certain date, upon a certain amount of funds being transferred to user account, based upon user criteria, based upon user override selection and based upon user's historic selections (*page 5, paragraph [0064], the payments are automatically calculated, the payees are paid*

automatically, the remaining funds are automatically transferred to the discretionary fund account 110, which may be a traditional checking account).

Regarding to claim 7, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to at least one charity (*page 6, paragraphs [0066]-[0067]*).

Regarding to claim 8, Saylor further discloses wherein said transferring step includes transferring at least a portion of said user income to at least one charity based upon said payment hierarchy (*figure 3 and page 6, paragraphs [0066]-[0067]*).

Regarding to claim 9, Saylor further discloses wherein said step of transferring user income includes transferring at least a portion of said user income and payment hierarchy information to an automatic bill payment system (*page 5, paragraph [0061]*).

Regarding to claim 10, Saylor further discloses wherein said step of transferring user income includes transferring at least a portion of said user income and selected payee information to an automatic bill payment system (*page 5, paragraph [0061]*).

Regarding to claim 11, Saylor further discloses wherein said step of transferring user income includes transferring at least a portion of said user income and payment hierarchy information to an automatic bill payment system, and allowing said user to at least one of select bills to be paid and to select a date for a bill to be paid (*figure 3 and page 6, paragraph [0070]*).

Regarding to claim 12, Saylor further discloses wherein said step of transferring user income further includes transferring at least a portion of said user income by at least one of prompting said user to transfer user income, prompting said user to select a particular transfer of funds, providing at least one of cash and negotiable instrument to at least one of said user, guardian and third party, withdrawing funds from said user account and depositing funds in a third party account, transferring said user income to a financial instrument, and placing the selected funds in a pooled account (*figure 3 and page 6, paragraph [0070]*).

Regarding to claim 13, Saylor further discloses wherein said step of transferring user income further includes transferring at least a portion of said user income to a financial instrument and sending said financial instrument to said user at predetermined intervals (*page 6, paragraph [0066]-[0068]*).

Regarding to claim 14, Saylor further wherein said step of transferring said user income includes allowing said user to transfer said user income to said payees (*page 5, paragraph [0064]*).

Conclusion

6. Claims **1-14** are rejected.
7. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure:

Kahn et al. (US 6,401,079) disclose system for web-based payroll and benefits administration.

Watkins (US 6,347,305) discloses method for selecting and processing a payroll deduction plan a payment option for electronic commerce.

Compiano (US 2003/0208445) discloses method and apparatus for mapping sources and uses of consumer funds.

Compiano et al. (US 2004/0015438) disclose method and apparatus for mapping sources and uses of consumer funds.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

January 28, 2008